

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>DAVID STEBBINS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 10-3305-CV-S-RED</b>
	)	
<b>RELIABLE HEAT &amp; AIR, LLC, et al.,</b>	)	
<b>And</b>	)	
	)	
<b>RANDAL RICHARDSON, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**SUGGESTION TO MERGE ISSUES**

Comes now Plaintiff David Stebbins, who respectfully submits the following suggestion in support of my motion for default judgment, and my motion for the telephone conference.

Note that this is not a motion, merely a suggestion in support of two existing motions. Therefore, I will neglect to file a brief.

A telephone conference is currently being scheduled to discuss a discovery issue concerning an evasive and incomplete answer. See Document #63. However, if my motion for default judgment (see Document #54) is granted, then the court need not rule on the issue of the evasive and incomplete discovery answer.

The defense attorney will be present during the telephone conference, so he may raise any objections to both motions on the fly, if he needs to. Therefore, I respectfully suggest to the court that, during the telephone conference, His Honor pass his decision on my motion for default judgment *before* moving onto the evasive and incomplete discovery request, because, personally, I am fed up. Yes, the defense is finally cooperating and timely responding, but only after five repeated failures to timely respond, two motions for a telephone conference (three if

you count the one where the defense's objections were sustained), and a motion for default! I have had it up to here with the defense's shenanigans, and their new found willingness to cooperate is too little, too late. Besides, I can even take those five repeated failures to timely respond, and turn them into six, if I stretch it far enough. Remember that first request for production, where he said he was out of the country? Well, he promised that he would respond the following week, but he didn't. No initial requirement necessary; he flat-out said, point blank, that he would respond the following week. Why was it Monday the week after that that I finally got the blasted answer?! So, there you go: A *sixth* failure to respond. A judge would not have any sympathy for a pro se litigant dragging their feet like that! Why on earth would a judge have any more sympathy for a lawyer doing that?

So, I respectfully move that we address the motion of default judgment during this telephone conference, *before* we address the issue regarding the evasive and incomplete discovery answer.

It is so submitted, this 8<sup>th</sup> day of March, 2011.

A handwritten signature in black ink that reads "David Stebbins". The signature is written in a cursive, slightly slanted style.

David Stebbins  
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